

**MINUTES
LEXINGTON COUNTY COUNCIL
MARCH 09, 2004**

Lexington County Council held its regular meeting on Tuesday, March 09, 2004 in Council Chambers, beginning at 4:30 p.m. Chairman Davis presided; Mr. Rucker gave the invocation; Mr. Owens led the Pledge of Allegiance.

Members attending:	George H. Smokey Davis	Bruce E. Rucker
	William C. Billy Derrick	Jacob R. Wilkerson
	Bobby C. Keisler	John W. Carrigg, Jr.
	Johnny W. Jeffcoat	Joseph W. Joe Owens
	M. Todd Cullum	

Also attending: Art Brooks, County Administrator; Larry Porth, Finance Director/Deputy County Administrator; Katherine Doucett, Personnel Director/Deputy County Administrator; Jeff Anderson, County Attorney; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

Chairman Davis welcomed the Boy Scouts of America Troop 515 of the West Columbia Church of Jesus Christ of Latter-Day Saints.

Employee Recognition - Art Brooks, County Administrator - Mr. Brooks recognized several department heads and staff who were instrumental in the planning and implementation of the move to the new facilities. Those recognized were: The Honorable Marc Westbrook, Judge, Eleventh Judicial Circuit; John Frick, Esquire, Law Clerk for Judge Westbrook; Larry Porth, Finance Director; Katherine Doucett, Personnel Director; Joe White, Courthouse Project Manager; John Fechtel, Director of Public Works; Ray Disher, Building Services Manager; Rod Pimental, Inventory Manager - Central Stores; Sheila Fulmer, Procurement Manager; Donna Harris, Procurement Officer; Janice Bell, Procurement Officer; Jim Schafer, Director of Information Services; Chief Tim James, Assistant Sheriff and Interim Public Safety Director; Sgt. Siller Anderson, Judicial Center Security; Sharon Willis, Chairperson of the Employee Committee; Dot Black, Clerk to Council; Diana Burnett, Assistant Clerk to Council; and Brenda Caudle-Furtick, Assistant to the Administrator.

Judge Westbrook thanked Art Brooks, County Administrator, for his leadership during the moving process.

Presentation of Resolution - Lexington County Emergency Medical Services Presented by Councilman Jacob Wilkerson - Mr. Wilkerson presented a resolution to Mr. Tom Gross, EMS Coordinator, celebrating its 30th year of service to the residents of Lexington County.

Resolution - Sheriff James R. Metts and the INTEL Team (Intelligence through Teamwork, Effort and Accountability in Management) - A motion was made by Mr. Derrick; seconded by Mr. Rucker that the resolution be adopted.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Rucker	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Appointments - Health Services District Board of Directors - Ms. Elizabeth “Betty” L. Shockley - A motion was made by Mr. Rucker; seconded by Mr. Jeffcoat to appoint Ms. Elizabeth “Betty” L. Shockley to the Health Services District Board of Directors.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Jeffcoat	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Communications Committee - Mr. William “Bill” L. Monts, Jr. - A motion was made by Mr. Derrick; seconded by Mr. Jeffcoat to appoint Mr. William “Bill” L. Monts, Jr. to the Communications Committee.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Derrick
	Mr. Jeffcoat	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Children’s Shelter - Ms. Sheryl Lorick - A motion was made by Mr. Wilkerson; seconded by Mr. Jeffcoat to reappoint Ms. Sheryl Lorick to the Children’s Shelter.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Jeffcoat	Mr. Rucker
	Mr. Derrick	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Mr. Wilkerson stated he will have his appointment for the Temporary Sign and Permitting Committee prior to the next scheduled Council meeting.

Mr. Jeffcoat asked staff to move forward by arranging a meeting of the Temporary Sign and Permitting Committee to begin the process to review the current sign ordinance and make recommendations.

Bids/Purchases/RFPs - A motion was made by Mr. Rucker; seconded by Mr. Wilkerson that the following bids be approved.

MSA Equipment - Sole Source Procurement - Public Safety/Fire Service - Staff recommended the purchase of Mine Safety Appliance (MSA) breathing air packs and air masks for Public Safety/Fire Service to the sole source provider, Newton's Fire & Safety Equipment, Inc., as they are the only authorized dealer for South Carolina. The firefighters must be "fit tested" for breathing apparatus and with over 400 firefighters they need to maintain the same equipment. Total cost including tax is \$31,783.50.

Accurate Compactors - Sole Source Procurement - Solid Waste Management - Staff recommended the purchase of four (4) Accurate compactors for Solid Waste Management to the sole source provider, Amick Equipment Company, as they are the only authorized dealer for South Carolina. This equipment is identical to the fourteen (14) compactors being ordered for the County by Waste Management Company. Standardization of this equipment will allow an easier, more productive, cost effective preventative maintenance program. The cost including tax is \$73,971.24.

RFP for Banking Services - Treasurer - Bids were solicited from qualified offerors to provide banking services for the collection and disbursement of funds for the County. The term of the contract will be for a period of three (3) years from the effective date of the contract. The County may extend the contract if it appears to be in the best interest of the County of Lexington/Lexington County Treasurer. The extension may be less than, but will not exceed two (2) additional one year periods with contract prices remaining firm for the initial term of the three-year contract. Six (6) proposals and two (2) no-bids were received. Staff recommended to award the contract to BB&T as meeting all the essential requirements as set forth in the RFP.

Mr. Davis opened the meeting for discussion.

Mr. Jeffcoat made an amendment to the motion; seconded by Mr. Derrick to delete the RFP for Banking Services.

Vote on Amendment:

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Derrick	Mr. Rucker
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Vote on Motion as Amended:

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Wilkerson	Mr. Derrick
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Mr. Derrick made a motion; seconded by Mr. Keisler to approve the RFP for Banking Services.

Mr. Davis opened the meeting for discussion.

Mr. Carrigg stated he was unable to vote on a three-year banking service contract based on the information provided by staff and stated additional information is needed before making a decision.

Mr. Jeffcoat and Mr. Cullum responded they too needed additional information.

Mr. Owens asked what additional information is Council requesting.

Mr. Jeffcoat stated he would like to know how the decision was made to award the contract to BB&T, a comparison of offers from each banking institution, and what BB&T was offering prior to the RFP and what BB&T has proposed. Mr. Jeffcoat stated he would like to see whether the RFP has made BB&T come forward with incentives they should have been providing the County all along.

Mr. Wilkerson asked Ms. Sheila Fulmer, Procurement Manager, what was the decision based upon to award the contract to BB&T.

Ms. Fulmer stated Procurement has an evaluation criteria that vendors must meet.

Mr. Carrigg asked for a presentation by the evaluation committee outlining specifics as to what was requested, what was offered, etc. He stated for instance the reply for cost of services was "analysis of accounts show that residual balances will offset the service charges." He stated for a three-year banking contract the cost of services is an important issue because we need to know the costs

involved.

Ms. Fulmer stated Procurement can provide Council with a presentation of the criteria process but said costs had to be evaluated specifically by the Treasurer's office.

Mr. Rucker stated the evaluation committee consisted of department heads and asked how much does Council want to manage what the evaluation committee recommended.

Mr. Jeffcoat stated he wanted to know what went on before voting. He said he wanted to know what services the BB&T proposal offers now that the County does not presently have, but should have had. He stated First Community Bank in Lexington did not submit a bid and would like to know why.

Mr. Cullum stated he agreed with Mr. Jeffcoat's comments and said it is disturbing that a decision was made based on the information provided by staff. He reiterated Mr. Carrigg's statement regarding the "analysis of accounts show that residual balances will offset the service charges" and said service charges is what stemmed the RFP. Mr. Cullum stated if BB&T is offering the offset of services charges now, then BB&T should reimburse the County \$30,000.00 from the earlier disputed service charges. Mr. Cullum stated he wanted an outline of the proposals from each banking institution.

Mr. Rucker made a motion to table the RFP; seconded by Mr. Derrick.

In Favor:	Mr. Davis	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Mr. Jeffcoat asked Mr. Rowell, Treasurer, to be present during the presentation with the Committee as a Whole on March 23, 2004.

Mr. Owens asked if there were any banking institutions that could not perform the banking services that the County requested.

Ms. Fulmer stated Regions Bank was disqualified for a non-response to the proposal.

Chairman's Report - Mr. Rucker reminded Council of the upcoming mid-year conference on March 17th presented by the Association of Counties.

Administrator's Report - January Ice Storm and February Snow Storm Update - John Fechtel, Director of Public Works updated Council on the costs associated with the January ice storm and February snow storm. Mr. Fechtel stated FEMA and SCDOT will be reimbursing the County

approximately \$90,000 to cover the costs of overtime and clearing state roads of debris.

Classification and Compensation Update - Katherine Doucett, Personnel Director - Ms. Doucett gave Council a brief update on the classification and compensation study through the Archer Company. She stated the completed job descriptions will be distributed to all department heads and supervisors to review with their employees within the next two weeks. Ms. Doucett stated Dr. Archer will present to Council a formal report of the classification and compensation study during the April 13th Council meeting.

Budget Amendment Resolutions -The following BARs were distributed and signed.

Supplemental appropriation increase of \$20,382.00 received from SCDOT for Public Works' assistance in snow removal. Reimbursement is for labor, meals, and use of County equipment.

Appropriation transfer of \$6,000.00 from contingency to cover \$750.00 increase in salary for the Associate Chief Magistrate, \$3,000.00 in additional training expenses for CLE hours required for magistrates, and \$2,250.00 to cover the rent of the Oak Grove Magistrate's office for the months of April, May, and June.

Supplemental appropriation increase of \$8,908.00 from a grant received under the Victims of Crime Act Program to purchase equipment and public awareness brochures and printed materials. This is an 80 percent Federal and 20 percent County grant. Matching funds are available in the Sheriff's current contingency fund.

Appropriation transfer of \$114,733.00 to cover nine (9) pay periods effective March 1, 2004 for five (5) additional officers for the Judicial Center.

Chief James stated due to vacancies throughout the Sheriff's Department, the Department will be absorbing the five (5) additional deputies for the Judicial Center in the present budget.

Approval of Minutes - Meeting of February 10, 2004 - A motion was made by Mr. Wilkerson; seconded by Mr. Derrick that the February 10, 2004 minutes be approved as submitted.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Wilkerson
	Mr. Derrick	Mr. Rucker
	Mr. Keisler	Mr. Jeffcoat
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Committee Reports - Planning & Administration, B. Rucker, Chairman - Cable TV Franchise - Comporium - On behalf of Mr. Rucker, Mr. Jeffcoat reported during the afternoon committee

meeting members discussed the transfer of PBT Cable Services Inc. to Comporium Communications (Rock Hill Telephone Company).

Mr. Jeffcoat made a motion; seconded by Mr. Rucker to approve the transfer of PBT Cable Services Inc. to Comporium Communications.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Jeffcoat
	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Carrigg	Mr. Owens
	Mr. Cullum	

Justice, J. Carrigg, Chairman - Bulletproof Vest Partnership Program Grant - Sheriff's Department - Mr. Carrigg stated the Justice Committee met on Tuesday, February 24, 2004 to discuss a grant request from the Sheriff's Department.

Chief Tim James, Assistant Sheriff and Interim Public Safety Director, had requested authorization to apply for a Bulletproof Vest Partnership Program grant through the US Department of Justice for the Sheriff's Department.

Chief James stated the Bulletproof Vest Partnership Program Grant is a 50/50 percent grant to purchase 35 armor vests for officers. The total cost of the vests is \$18,779.25. He stated the 50 percent match of \$9,390.00 will be appropriated in the FY2004-05 submitted budget request.

The committee voted to recommend that Council approve staff's request to move forward with the grant application.

Mr. Carrigg made a motion; seconded by Mr. Cullum to approve the Bulletproof Vest Partnership Program Grant application.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Cullum	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Owens	

State Criminal Alien Assistance Program Grant - Sheriff's Department - Mr. Carrigg stated the Justice Committee met on Tuesday, February 24, 2004 to discuss a grant request from the Sheriff's Department.

Chief Tim James, Assistant Sheriff and Interim Public Safety Director, had requested authorization to apply for a State Criminal Alien Assistance Program grant through the US Department of Justice for the Sheriff's Department.

Chief James stated the State Criminal Alien Assistance Program grant is a 100 percent grant to provide assistance funds for the housing of alien prisoners for at least four consecutive days in the Lexington County Detention Center. He stated no match is required.

The committee voted to recommend that Council approve staff's request to move forward with the grant application.

Mr. Carrigg made a motion; seconded by Mr. Cullum to approve the State Criminal Alien Assistance Program Grant application.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Cullum	Mr. Rucker
	Mr. Derrick	Mr. Wilkerson
	Mr. Keisler	Mr. Jeffcoat
	Mr. Owens	

FY2004 Local Emergency Management Performance Grant Application - Public Safety - Mr. Carrigg reported his committee met during the afternoon to discuss the FY2004 Local Emergency Management Performance Grant application. Mr. Carrigg stated this is an annual grant that supports 50 percent of the salaries and benefits of two positions in the emergency management division. Mr. Carrigg stated the 50 percent match is budgeted in the General Fund.

Mr. Carrigg made a motion; seconded by Mr. Rucker to approve the FY2004 Local Emergency Management Performance Grant application.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	Mr. Keisler
	Mr. Jeffcoat	Mr. Owens
	Mr. Cullum	

Old Business/New Business - Continuation Grant Application for Second Year - Adult Drug Court - Mr. Carrigg reported his committee met during the afternoon to discuss the Continuation of the Adult Drug Court Grant application for second year funding. Mr. Carrigg stated the Solicitor's office received the grant application on Friday, March 5 and the grant application is due

to the Department of Health & Human Services on March 11th.

Mr. Carrigg made a motion; seconded by Mr. Cullum to approve the Continuation of the Adult Drug Court Grant application for second year funding.

Mr. Davis opened the meeting for discussion.

Mr. Davis apologized to members of Council for the late notice as the grant application was not received until today, March 9th. Mr. Davis stated if anyone wanted to abstain, it was understandable.

Mr. Wilkerson asked why the grant application was not received earlier.

Mr. Carrigg stated the Solicitor's office did not receive the continuation grant application until March 5 from the Department of Health & Human Services.

Mr. Rucker asked when did Council receive the grant application.

Ms. Evelyn Babbitt, Grants Manager, replied the application was received today.

Mr. Cullum stated he understood this grant is for second year funding for Adult Drug Court.

Mr. Carrigg stated this is a 100 percent grant for the Adult Drug Court which pays for personnel and participants of the Adult Drug Court program.

Mr. Rucker stated he would not be supporting the motion, not because he feels that it is not warranted, but because of the late notice. He stated a letter was sent to department heads indicating if requests were not submitted prior to the Council meeting, the requests would not have full support of Council.

Mr. Wilkerson stated he too would not be supporting the motion, not that he opposes the grant application, but because he supports the letter, due to the late notice.

Mr. Jeffcoat stated the Continuation of the Adult Drug Court Grant application is due back Thursday, March 11 and asked when was the request due to Council.

Mr. Davis stated by Council's policy requests should be submitted to Council ten days prior to Council meeting in order to have the requests included in Council's agenda packets.

Mr. Derrick stated he understands Council's concerns regarding the late notice for applying for the grant but must also remember the problems the County has had with funding Adult Drug Court. He stated this is a 100 percent grant that is needed to keep Adult Drug Court solvent.

In Favor: Mr. Davis Mr. Carrigg

Mr. Cullum	Mr. Derrick
Mr. Keisler	Mr. Owens

Opposes: Mr. Rucker Mr. Wilkerson
 Mr. Jeffcoat

\$15,000.00 Budgetary Amendment - General Fund/Legal Expenses - Circuit Solicitor- Mr. Carrigg made a motion; seconded by Mr. Jeffcoat to take the \$15,000.00 Budgetary Amendment request off the table.

Mr. Davis opened the meeting for discussion; no discussion occurred.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Jeffcoat	Mr. Keisler
	Mr. Owens	Mr. Cullum

Opposes: Mr. Rucker Mr. Derrick
 Mr. Wilkerson

\$15,000.00 Supplemental Budget Appropriation - Circuit Solicitor - 1st Reading - Mr. Carrigg made a motion; seconded by Mr. Owens that a Supplemental Budget Appropriation of \$15,000.00 for the Solicitor's office for legal expenses be given first reading.

Mr. Davis opened the meeting for discussion.

Mr. Carrigg stated the Justice Committee met on Tuesday, February 10, 2004 to discuss a request from the Circuit Solicitor's office for an additional \$15,000.00 for legal expenses.

Mr. Dayton Riddle, Deputy Solicitor, stated his department had originally requested \$30,000.00 for legal expenses during the FY 03/04 budget process, but the request was reduced to \$15,000.00. He stated the Northcutt trial was a tremendous expense and with approximately four months left in the FY 2003/04 budget additional funds are needed.

The committee voted to send the request to full Council without a recommendation.

During the Council meeting, Mr. Riddle asked that the \$15,000.00 request be tabled until other issues in the Solicitor's office have been resolved.

Council voted unanimously to table the request.

Mr. Derrick stated the \$15,000.00 Supplemental Budget Appropriation should go back to committee for committee's recommendation since no recommendation was made by the committee.

Mr. Carrigg stated the committee voted to send the request to full Council without a recommendation.

Mr. Derrick stated the normal practice is that the committee makes a recommendation to Council and feels that it should be handled as such.

Mr. Davis stated the \$15,000.00 Supplemental Budget Appropriation will require three readings and a public hearing since this is additional taxpayers' dollars requested by the Solicitor's office.

In Favor:	Mr. Davis	Mr. Carrigg
	Mr. Owens	Mr. Keisler
	Mr. Jeffcoat	Mr. Cullum

Opposes:	Mr. Rucker	Mr. Derrick
	Mr. Wilkerson	

Presentation - Ms. Rebecca Barnes, Palmetto Pride Campaign Coordinator - Presentation of Keep S.C. Beautiful Grant to Keep the Midlands Beautiful to Ms. Mary Pat Baldaus, Executive Director of Keep the Midlands Beautiful - Ms. Sherryl Jenkins, Palmetto Pride Community Outreach Assistant, presented Ms. Mary Pat Baldaus an \$8,800.00 check for the Keep S.C. Beautiful Grant and stated that Ms. Mary Pat Baldaus received the President's Award for Excellence from Keep America Beautiful.

Old Business/New Business - None.

Executive Session/Legal Briefing - A motion was made by Mr. Rucker; seconded by Mr. Derrick to go into Executive Session to receive the legal briefing and to discuss contractual matters.

Mr. Davis reconvened Council in open session.

Matters Requiring a Vote as a Result of Executive Session - Chairman Davis reported Council received the legal briefing and discussed contractual matters during the Executive Session and indicated no motions were to be considered.

There being no further business, the meeting was adjourned.

Adjournment.

Respectfully submitted,

Dorothy K. Black
Clerk

George H. Smokey Davis
Chairman

Diana W. Burnett
Asst. Clerk to Council